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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,	)	CR No. 08-0896 MHP
	)	
Plaintiff,	)	STIPULATION AND <del>PROPOSED</del> ORDER
	)	EXCLUDING TIME UNDER 18 U.S.C. § 3161
v.	)	
	)	
MICHAEL RYAN MCPHERSON,	)	
	)	
Defendant.	)	
_____	)	

The parties are scheduled to appear again before the Court on February 9, 2009 for a further status conference. At the prior status conferences the Court agreed to exclude all time under the Speedy Trial Act between December 22, 2008- January 12, 2009, and January 12, 2009 - February 9, 2009, for effective preparation of counsel. 18 U.S.C. § 3161(h)(8)(B)(iv). The parties and Court agreed that the ends of justice served by granting such a continuance for effective preparation of counsel outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(8)(A). Based on the exclusion of time through February 9, 2009, defendant's speedy trial date will be April 16, 2009.

SO STIPULATED:

JOSEPH P. RUSSONIELLO  
United States Attorney

DATED: February 6, 2009

/s/  
KATHERINE B. DOWLING  
Assistant United States Attorney

DATED: February 6, 2009

/s/  
GEOFFREY HANSEN  
Attorney for Defendant

Failure to grant an exclusion of time for the requested continuance would deny counsel for defendant reasonable time necessary for effective preparation of counsel. 18 U.S.C. § 3161(h)(8)(B)(iv). Therefore, the Court finds that exclusion of time from December 22, 2008 through February 9, 2009, is warranted because the ends of justice served by the exclusion of time outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(8)(A).

SO ORDERED.

DATED: 2/11/2009

